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DEPARTMENT OF PLANNING AND LAND USE

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MITIGATED NEGATIVE DECLARATION

Project Name: Am Lotus Buddhist Assoc Minor Subdivision (4 Lots + Rem);
Tentative Parcel Map; TPM 21047 RPL3; ER 07-02-001

Project Number(s): 3200 21047 (TPM); ER 07-02-001

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGY

1. BIOLOGICAL REQUIREMENTS [DPLU]

- a. Prior to issuance of any permit and prior to recordation of the parcel map the applicant shall grant by separate document to the County of San Diego an open space easement on lots 1, 3, 4 and the Remainder, as shown on **Tentative Parcel Map 21047RPL3 dated July 23, 2009**, on file with the Department of Planning and Land Use as Environmental Review Number 07-02-001. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. **[DPLU, FEE]**

The sole exception(s) to this prohibition is:

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted

pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use or the Director of Public Works.

2. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.
- b. Prior to issuance of any permit and prior to recordation of the parcel map the applicant shall grant by separate document to the County of San Diego an open space easement on lots 1, 3, and 4, as shown on **Tentative Parcel Map 21047RPL3 dated July 23, 2009**, on file with the Department of Planning and Land Use as Environmental Review Number 07-02-001. This easement is for the protection of oak roots extending from the biological open space and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. **[DPLU, FEE]**

The sole exceptions to this prohibition are:

1. Fire clearing as required by the County Fire Code or an approved Fire Protection Plan.
 2. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use or the Director of Public Work.
 3. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.
- c. Prior to issuance of any permit and prior to recordation of the parcel map the applicant shall grant by separate document to the County of San Diego a Limited Building Zone Easement as shown on **Tentative Parcel Map 21047RPL3 dated July 23, 2009**, on file with the Department of Planning and Land Use as Environmental

Review Number 07-02-001. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are: **[DPLU, FEE]**

1. Decking, fences, and similar facilities.
 2. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
- d. Prior to issuance of any permit and prior to recordation of the parcel map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 5.49 acres of non-native grassland or biologically like-functioning habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located in the Northern Foothills ecoregion. Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X 2]**
1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 5.49 acres of non-native grassland or biologically like-

functioning habitat located the northern foothills ecoregion. A Resource Management Plan (RMP) for the non-native grassland or biologically like-functioning habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

- e. Prior to issuance of any permit and prior to recordation of the parcel map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 0.80 acre of coast live oak woodland habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located in the Northern Foothills ecoregion. Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X 2]**
 - 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.80 acres of coast live oak woodland habitat located the northern foothills ecoregion. A Resource Management Plan

(RMP) for the coast live oak woodland habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

- f. Prior to issuance of any permit and prior to recordation of the parcel map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 0.29 acres of wetland habitat has been created and 0.58 acre of wetland has been enhanced or restored in the North County Mitigation Bank or a mitigation bank approved by the California Department of Fish & Game, located in the San Luis Rey watershed. Evidence of purchase shall include the following information to be provided by the mitigation bank:
[DPLU, FEE X 2]

1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Pursuant to an approved Streambed Alteration Agreement, prior to issuance of any permit and prior to recordation of the parcel map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 1.45 acre of wetland has

been enhanced in the Mission Resources Conservation District or alternate mitigation has been obtained to the satisfaction of California Department of Fish & Game, in an approved mitigation bank located in the San Luis Rey watershed. Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X 2]**

1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- g. Prior to the issuance of any building, grading, or construction permit, or approval of any grading, improvement, or building plans, and prior to recordation of the parcel map, provide evidence to the satisfaction of the Director of Planning and Land Use, that the open space signage has been installed. The applicant shall submit a statement from a California Registered Engineer, or licensed surveyor that open space signs have been installed every 100 feet along the open space boundary of lots(s) 1, 3, 4, and Remainder as shown on **TPM 21047RPL3 dated July 23, 2009** on file with the Department of Planning and Land Use as Environmental Review Number 07-02-001 have been installed. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following: **[DPLU, FEE]**

**“Sensitive Environmental Resources
Area Restricted by Easement**

Unauthorized Entry is Restricted. To report a violation or
for more information about easement restrictions and
exceptions contact the County of San Diego,

Department of Planning and Land Use
Reference: TPM 21047"

2. BIOLOGICAL REQUIREMENTS [DPLU]

- a. Prior to obtaining any building, grading, construction or any other permit on lot 2, provide the Director of Planning and Land Use with a copy of a Streambed Alteration Agreement issued by the California Department of Fish and Game for all project related disturbances of any streambed or provide evidence satisfactory to the Director of Planning and Land Use that such an agreement is not required. **[DPLU, FEE]**
- b. Prior to the approval of the grading, improvement, or building plans on lots 1, 3, 4, or Remainder, submit to the satisfaction of the Director of Planning and Land Use; a statement from a California Registered Engineer, or licensed surveyor that temporary construction fences have been placed in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing condition shall be released on a parcel-by-parcel basis. **[DPLU, FEE X 4]**
- c. Prior to the issuance of any building, grading, or construction permit, or approval of any grading, improvement, or building plans, provide evidence to the satisfaction of the Director of Planning and Land Use, that the grading, and or improvement plans, and or building plans show permanent fences or walls along the biological open space boundary on lots(s) 1, 3, 4, and Remainder as shown on the TPM 21047RPL3 dated **TPM 21047RPL3 dated July 23, 2009** on file with the Department of Planning and Land Use as Environmental Review Number 07-02-001. **[DPLU, FEE X 4]**
 1. The fence or wall shall be a minimum of four feet (4') high and consist of split rail or non-barbed wire. Any change in construction materials and fence or wall design shall be approved by the Department of Planning and Land Use prior to installation.
 2. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**“Sensitive Environmental Resources
Area Restricted by Easement**

Unauthorized Entry is Restricted. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego, Department of Planning and Land Use
Reference: TPM 21047”

- d. Prior to the approval of any grading, improvement, or building plans and issuance of any permit, provide evidence to the satisfaction of the Director of Planning and Land Use or Public Works, that the following “Specific Environmental Notes” have been placed on any of the grading, and or improvement plans and are made conditions of their issuance: **[DPLU, FEE X 5]**

“Temporary construction fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing shall be removed after the conclusion of such activity.”

“Prior to the conclusion of grading activities and Final Grading Release or Occupancy of any building, placement of permanent open space fencing and signs is required to be completed. Provide evidence to the satisfaction of the Director of Planning and Land Use that the permanent fences and open space signs have been installed along the biological open space boundary on lots(s) 1, 3, 4, and Remainder as shown on **TPM 21047RPL3 dated July 23, 2009** on file with the Department of Planning and Land Use as Environmental Review Number 07-02-001. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.” **[DPLU, FEE X 4]**

“Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of vegetated habitat during the avian breeding season. This is defined as occurring between February 1 and August 31. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no nesting or breeding birds are present in the vicinity of the brushing, clearing or grading.”

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.
2. SIGHT DISTANCE
 - a. A registered civil engineer, a registered traffic engineer, or a licensed surveyor shall provide a signed statement that physically, there is a minimum adequate unobstructed sight distance in both directions along Reche Road from the proposed private easement road serving the project, per Section 6.1.E of the County Public Road Standards. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that said lines of sight fall within the existing right-of-way and a clear space easement is not required. These certifications shall be to the satisfaction of the Director of Public Works.
3. PRIVATE ROAD EASEMENTS
 - a. The Parcel Map shall show a thirty-eight foot (38') minimum radius cul-de-sac located in the vicinity of the most southerly corner of Parcel 1, to the satisfaction of the North County Fire Protection District and the County Department of Public Works.
 - b. The Parcel Map shall show a minimum forty-foot (40') wide private road easement from the proposed cul-de-sac [located in the vicinity of the most southerly corner of Parcel 1] southerly to Reche Road.
4. ROAD DEDICATIONS

- a. Offer to dedicate the right-of-way required to complete a thirty-foot (30') wide one-half right-of-way width on the project side of the centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit for that portion within the land division for Reche Road. The Parcel Map shall be prepared to show the offer being accepted.
- b. Grant an Irrevocable Offer To Dedicate the right-of-way required to complete a thirty-five foot (35') wide one-half right-of-way width on the project side of the ultimate centerline [minimum centerline radius five hundred feet (500')], plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-five foot (35') limit for that portion within the land division for Reche Road (SF 1416).
- c. Any offer of dedication or grant of right-of-way shall be free of any burden or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required, per Section 81.705 (a) of the County Code, at the time of recordation of the Parcel Map. All easements of any kind shall be shown on the Parcel Map.
- d. The subdivider shall relinquish access rights onto Reche Road and Reche Road (SF 1416), except one (1) opening for the proposed private road easement.

5. CIRCULATION ELEMENT ROADS

- a. Prior to preparation of the Parcel Map, contact the Route Locations Section of the Department of Public Works to determine the desired location of the centerline for Reche Road (SF 1416), which is shown on the Circulation Element of the County General Plan as a Rural Collector with bike lanes. The following shall be shown on the Parcel Map:
 - (1) The centerline location as approved by the County of San Diego, Department of Public Works Route Locations Section.
 - (2) The width of the right-of-way which is forty-seven feet (47') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Proposed Street

Widening." The additional five feet (5') is for a bicycle facility.

- (3) A building line which is seventy-seven feet (77') from the centerline of the road and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."
- (4) Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross-section sufficient to verify these limits shall be submitted to the County of San Diego, Department of Public Works, for review and approval.

6. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/
DEVELOPMENT IMPACT FEES

- a. The subdivider shall authorize Special Districts to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District. The subdivider shall cover the cost of processing by paying a minimum deposit at the Land Development Counter Services.
- b. The subdivider shall provide for maintenance of the onsite private road that serves the project through a private road maintenance agreement.

7. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]

- a. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from AT&T/SBC.
- b. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature.

- c. Prior to recordation of the Parcel Map, approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- d. Certification by the Department of Environmental Health with respect to sewage disposal shall be shown on the Parcel Map. [DPLU]

8. FLOODING/DRAINAGE

- a. The drainage swales which flow through the property shall each be shown and labeled "Drainage Swale" on the Parcel Map. The subdivider's civil engineer of work will provide this information by annotating the copy of the Tentative Parcel Map.
- b. Lines of inundation to the limits of the 100-year flood along the watercourse, which flows through the property, shall be shown and labeled "Subject To Inundation By The 100-Year Flood" on the Parcel Map.
 - (1) The subdivider's civil engineer will provide the necessary hydrology and hydraulics to define the 100-year floodplain limits and annotate the limits on a copy of the Tentative Parcel Map, approved by the County of San Diego, Director of Planning and Land Use. Each parcel shall have a flood-free building site to the satisfaction of the County of San Diego, Director of Public Works. If any of the parcels are found to be devoid of a buildable, flood-free site for a residence, the subdivider shall take appropriate action so that each parcel does have a buildable flood-free site. This pertains to watersheds having area of twenty-five (25) or more acres.

9. TRAILS REQUIREMENTS [DPR]

On the Parcel Map, within the ultimate right-of-way of Reche Road a minimum five (5) foot wide graded pathway along the project frontage as indicated on the **Tentative Parcel Map #21047 RPL 3**

dated July 23, 2009 on file with the Department of Planning and Land Use.

- B. BECAUSE THEY HAVE BEEN FOUND NECESSARY FOR THE PUBLIC HEALTH AND SAFETY AND ARE A NECESSARY PREREQUISITE TO THE ORDERLY DEVELOPMENT OF THE AREA, THE FOLLOWING PUBLIC IMPROVEMENTS MUST BE COMPLETED OR A SECURED AGREEMENT EXECUTED PRIOR TO RECORDING A PARCEL MAP. THE AGREEMENT REQUIRES POSTING OF SECURITY IN FORM OF A CASH DEPOSIT, IRREVOCABLE LETTER OF CREDIT OR AN INSTRUMENT OF CREDIT VALUED AT, OR MORE THAN, THE ESTIMATED IMPROVEMENT COST. IT ALSO REQUIRES IMPROVEMENTS BE COMPLETED WITHIN TWENTY-FOUR (24) MONTHS FROM THE DATE OF RECORDING THE PARCEL MAP OR PRIOR TO THE ISSUANCE OF A PERMIT OR OTHER GRANT OF APPROVAL FOR THE DEVELOPMENT OF A PARCEL CREATED BY THIS MAP, WHICHEVER COMES FIRST UNLESS OTHERWISE NOTED. NOTE: THE PROCESSING OF SECURITY TAKES APPROXIMATELY TWO (2) MONTHS. YOU SHOULD INITIATE THIS PROCESS TWO (2) MONTHS PRIOR TO RECORDING THE PARCEL MAP. [DPW] [DPLU]

1. PUBLIC ROAD IMPROVEMENTS [RECHE ROAD]

- a. Reche Road, along the project frontage, shall be improved in accordance with Public Road Standards to a one-half graded width of thirty feet (30') with twenty-five feet (25') of asphalt concrete pavement over approved base, disintegrated granite walkway, and taper transition to existing pavement, with edge of pavement at twenty-five feet (25') from centerline, to the satisfaction of the Department of Public Works. Traffic striping for transition asphalt concrete and taper to match the existing asphalt concrete pavement shall be to the satisfaction of the Department of Public Works.
- b. All new utility distribution facilities, including cable television lines, shall be placed underground. All utility installations shall be completed before surfacing the streets and installing concrete curbs, gutters and sidewalks. This is not intended to include undergrounding of existing overhead utilities, but does not preclude relocating them.
- c. Portland cement concrete cross gutters shall be constructed where water crosses the roadways.

- d. The exact depth of improved base material shall be based on soil tests approved by the County of San Diego, Director of Public Works.
- e. Install all street name signs.
- f. A Construction Permit shall be obtained for the work within the right-of-way and applies to work required to correct sight distance deficiencies at proposed driveway openings.
- g. Plans for public road improvements shall be prepared by a registered civil engineer and submitted to the County of San Diego, Director of Public Works. The following items shall also apply:
 - (1) Street alignment and grade, including the change of any existing or proposed street alignment and grade, shall be as required by the County of San Diego, Director of Public Works.
 - (2) Sight distance at all intersections shall conform to the intersectional sight distance criteria as provided by the County of San Diego Public Road Standards.
 - (3) Plans and specifications for the improvement of all streets, rights-of-way, drainage easements and all culverts, drainage channels and all private easements shall meet with the approval of the County of San Diego, Director of Public Works.

TRAILS REQUIREMENTS [DPR]

- 1. To the satisfaction of the Directors of Public Works and Parks and Recreation, improve a pathway to a minimum width of five (5) feet within the ultimate right-of-way of Reche Road along the project frontage as indicated on the **Tentative Parcel Map #21047RPL3 dated July 23, 2009** on file with the Department of Planning and Land Use. The trail shall be constructed pursuant to the Community Trails Master Plan Design and Construction Guidelines.
- C. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE

RECORDED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. PLANS OF SUFFICIENT DETAIL SHALL BE PREPARED FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE FOR THE PURPOSE OF ESTIMATING THE APPROXIMATE COSTS OF DEFERRED IMPROVEMENTS. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENTS, A BUILDING PERMIT PROHIBITION".

IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUEL BREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.)

1. PRIVATE ROAD IMPROVEMENTS

- a. The cul-de-sac shall be graded to a minimum radius of thirty-eight feet (38') and improved with asphalt concrete to a minimum radius of thirty-six feet (36'), to the satisfaction of the North County Fire Protection District and the County Department of Public Works.

- b. The to-be-named private easement road, from Parcel 1 southerly to Reche Road, shall be graded a minimum twenty-eight feet (28') wide and improved a minimum twenty-four feet (24') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Roads for one hundred (100) or less trips shall apply, to the satisfaction of the County Department of Public Works.
- c. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Counter of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Roads.
- d. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
- e. A street name sign, with a County approved street name, shall be installed and located at the intersection of the to-be-named private easement road and Reche Road per San Diego County Design Standards DS-13.
- f. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The to-be-named private easement road, including all slopes and the cul-de-sac, from Parcel 1 southerly to Reche Road is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
- g. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.

- h. The structural section for the private road shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Roads.
- i. A permit shall be obtained from the County of San Diego, Department of Public Works for the improvements to be made within the public right-of-way. The connection of the private easement road to the County road will have to match the construction of the public road. A copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, shall be submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.

2. FACILITY/UTILITY IMPROVEMENTS [DPLU]

- a. The subdivider shall install a minimum water supply pipe to serve this minor subdivision in accordance with the standards of the Rainbow Municipal Water District.
- b. Two (2) fire hydrants, together with an adequate water supply, shall be installed in accordance with the specifications of the North County Fire Protection District and San Diego County standards in the vicinity of the intersection of the to be named access road and Reche Rd and prior to the radius of the cul-de-sac. On paved roads, a "blue dot" marker shall be installed in the pavement to indicate the location of the fire hydrant.

Design of water supply, type, and location of fire hydrant must be submitted to the North County Fire Protection District for approval prior to the issuance of a building permit for any parcel created by this subdivision. [DPLU]

ADOPTION STATEMENT: This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Richard Grunow, Planning Manager
Project Planning Division

EG:RG:mc